

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

LISA A BIRON,

V.

JODY UPTON, ET AL.

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CIVIL ACTION 4:15-CV-205-O

**ORDER RESOLVING MOTION TO RECONSIDER and.
CORRECTING TERMS OF SEPTEMBER 29, 2015 ORDER**

Now pending before the Court is Plaintiff Lisa A. Biron's October 19, 2015 motion to reconsider the Court's September 29, 2015 Order assessing and applying the appellate fee collection under 28 U.S.C. § 1915. Biron first argues that the Court has wrongly imposed a collection order that enables the Bureau of Prisons to collect monthly fees resulting from separate fee orders at the same time. She argues that instead, the Court should order that the respective fee collections be imposed sequentially. Biron's argument has been expressly rejected by the Supreme Court. *See Bruce v. Samuels*, 136 S.Ct. 627, 627, 632-33 (2016) (holding that the in forma pauperis statute calls for simultaneous, not sequential, recoupment of filing fees incurred by an indigent prisoner). Therefore, the motion to reconsider the manner in which the appellate fees are deducted from Biron's inmate account must be denied.

Plaintiff also notes that in the September 29, 2015 Order Regarding Motion to Proceed In Forma Pauperis on Appeal, although the total fees to be collected (a **\$23.35** initial partial appellate filing fee and the **\$481.65** balance of the appellate filing fees) added to the correct amount of \$505.00, the Order also went on to incorrectly state that monthly payments should be made "until Appellant has paid the total appellate filing fees of \$455.00." (Doc. 17.) Plaintiff properly notes that this is an inconsistency. This order will correct that error.

It is therefore **ORDERED** that Plaintiff's motion for reconsideration of the manner in which the fees are collected (doc. 18) is **DENIED**.

It is further **ORDERED** that Plaintiff's motion for clarification of the terms of the September 29, 2015 Order is **GRANTED** to the extent the September 29, 2015 Order Regarding Motion to Proceed In forma Pauperis on Appeal is corrected such that the second sentence of the third indented paragraph should read: "The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until Appellant has paid the total appellate filing fees of **\$505.00**."

The Clerk of Court is directed to send a copy of this Order to Biron's institution of confinement.

SO ORDERED this **31st** day of **March, 2017**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE